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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,414	12/05/2003	Todd D. Wakefield	5131	8384
64100 7590 02/23/2007 DANIEL P. MCCARTHY P.O. BOX 71550 SALT LAKE CITY, UT 84171-0550			EXAMINER RADTKE, MARK A	
			ART UNIT 2165	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE 3 MONTHS			MAIL DATE 02/23/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/729,414

Applicant(s)

WAKEFIELD ET AL.

Examiner

Mark A. X Radtke

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Remarks

1. In response to communications filed on 19 November 2006, claim(s) 1, 6, 14, 19, 27 is/are amended per Applicant's request. Therefore, claims 1-38 are presently pending in the application, of which, claim(s) 1, 14 and 27 is/are presented in independent form.
2. In light of the Terminal Disclaimer filed 19 November 2006, the Double-Patenting rejection is withdrawn. In light of Applicant's amendments, the claim objections have been withdrawn. Applicant's amendment has necessitated new grounds of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-4, 14-17 and 27-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 14 and 27 recite the limitation "the derived source text" in lines 14-15. There is insufficient antecedent basis for this limitation in the claim.

Claims 2-3, 15-16 and 28-29 recite the limitation "said accessing a source of unstructured data" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claims 4, 17 and 30 recite the limitation "said interpreting the free text" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-9, 11-22, 24-35 and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Budzinski (U.S. Patent 5,715,468) in view of Khalfay et al. (U.S. Patent 7,039,875).

As to claim 1, Budzinski teaches a computer program product located to one or more storage media devices usable to perform integration of mixed format data, said computer program product comprising instructions executable by a computer to perform the functions (see Abstract) of:

linguistically parsing the identified text records (see Figures 5a-5h and column 4, line 62, "parsing");

identifying thematic roles and relationships within the parsed text records (see column 4, lines 48-59);

applying caseframes to the linguistic parse and thematic identifications producing attribute extractions, each of said attribute extractions containing attribute information of the derived source text (see column 2, line 60 – column 3, line 5); and

integrating the extractions with the structured data, said integrating step producing integrated data (see column 24, lines 5-33, where "integrating" is read on "learning"); and

data mining the integrated data (see Abstract, wherein "data mining" is read on "retrieving").

Budzinski does not explicitly teach

accessing a database of structured and unstructured data, and

reading an access reference, the access reference having unstructured data including free text.

Khalfay et al. teaches a computer program product located to one or more storage media devices usable to perform integration of mixed format data, said computer program product comprising instructions executable by a computer to perform the functions (see Abstract) of:

accessing a database of structured and unstructured customer data (see columns 6-7, spanning paragraph, "natural language" and "templates"),

reading an access reference, the access reference having unstructured data including free text (see column 6, lines 53-55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Budzinski by the teaching of Khalfay et al. because “the output can be [...] graphical” (see Budzinski, column 18, lines 51-52).

As to claims 2, 15 and 28, Budzinski, as modified, teaches wherein said accessing a source of unstructured data accesses unstructured data contained within the database of structured data (see column 24, lines 17-19, “storing the text presented to the invention”).

As to claims 3, 16 and 29, Budzinski, as modified, teaches wherein said accessing a source of unstructured data and said accessing a database of structured data access two separate data sources (See column 6, lines 19-21 and figure 1. Each Memory 80, 90, 100 and 120 is a different data source).

As to claims 4, 17 and 30, Budzinski, as modified, teaches wherein said instructions are further executable to perform the function of applying caseframes while performing said interpreting the free text (see column 2, line 60 – column 3, line 5).

As to claims 5, 18 and 31, Budzinski, as modified, teaches wherein said instructions are further executable to perform the function of producing a new database

containing the integrated data produced by said integrating (See column 59, lines 29-36. Partitions are logical databases consisting of several databases spread across different physical volumes or databases. See "Partition (database) – Wikipedia". Available online at http://en.wikipedia.org/wiki/Partition_%28database%29).

As to claims 6, 19 and 32, Budzinski, as modified, teaches wherein said instructions are further executable to perform the function of inserting the integrated data into the database of structured data while performing said integrating of the produced data (See column 23, line 66 – column 24, line 4 and see Abstract. Each process will be executed concurrently on a modern operating system).

As to claims 7, 20 and 33, Budzinski, as modified, teaches wherein said instructions are further executable to perform the function of creating a new database while performing said integrating the produced data (see Examiner's comments regarding claims 5 and 6).

As to claims 8, 21 and 34, Budzinski, as modified, teaches wherein the instructions are further executable to produce a new relational database containing the integrated data produced by said integrating (see Examiner's comments regarding claims 7 and column 3, lines 56-67, "relations").

As to claims 9, 22 and 35, Budzinski, as modified, teaches wherein the instructions are further executable to produce a file containing the integrated data produced by said integrating (see Examiner's comments regarding claim 5. A partition is a new file).

As to claims 11 and 24, Budzinski teaches a computer system including a computer program product according to claim 1, further comprising:

a processing unit coupled to said one or more storage media devices, said processing unit being capable of executing said instructions (It is well-known in the art that all computers have processors. See Abstract.); and

an execution command unit, whereby operation of said instructions and said processing unit may be commanded or controlled (see column 16, lines 14-21 and column 34, lines 50-53).

As to claims 12, 25 and 37, Budzinski, as modified, teaches wherein said instructions are further executable to store an integrated database while performing said integrating step (see column 24, lines 5-33).

As to claims 13, 26 and 38, Budzinski, as modified, teaches wherein the integrated data produced by the performance of said integrating the produced data includes reference information to the original free text for construed data (See column 6,

lines 60-65. Reference information links word usage and syntax with the concept structures).

As to claim 14, Budzinski teaches a computer program product located to one or more storage media devices usable to perform integration of mixed format data, said computer program product comprising instructions executable by a computer to perform the functions of (see Abstract):

For the remaining steps of this claim applicant(s) is/are directed to the remarks and discussions made in claim 1 above.

As to claim 27, Budzinski teaches a method for integrating mixed format data, comprising the steps of (see Abstract):

For the remaining steps of this claim applicant(s) is/are directed to the remarks and discussions made in claim 1 above.

7. Claims 10, 23 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Budzinski in view of Khalfay et al. as applied to claims 9, 22 and 35 above, and further in view of Examiner's Official Notice.

As to claims 10, 23 and 36, Budzinski, as modified, does not explicitly teach wherein the instructions are further executable to produce a file having a format

selected from the group of XML, character separated values, spreadsheet formats and file-based database structures.

However, Examiner takes Official Notice that the use of the elements of the group to store database information is conventional and well known.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to produce a file in one of several formats because Examiner takes Official Notice that the use of the elements of the group to store database information is conventional and well known (see XML Converter Standard Edition, available online at <http://rustemsoft.com/XMLConverter.htm>).

Response to Arguments

8. Applicant's arguments filed on 19 November 2006 with respect to the rejected claims in view of the cited references have been fully considered but are moot in view of the new grounds for rejection. Furthermore, Applicant's arguments were directed towards a combination of Budzinski and Bauman patents, however the rejection was under Budzinski (USPN 5,715,468) in view of Khalfay et al. (USPN 7,039,875). Bauman (USPN 5,412,756) was cited as relevant prior art but was not relied on for the rejection (see page 4, lines 1-3 and page 10, lines 3-10 of the previous Office Action).

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications should be directed to the examiner, Mark A. Radtke. The examiner's telephone number is (571) 272-7163, and the examiner can normally be reached between 9 AM and 5 PM, Monday through Friday. If attempts to contact the examiner are unsuccessful, the examiner's supervisor, Jeffrey Gaffin, can be reached at (571) 272-4146. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Customer Service at (800) 786-9199.

maxr

Jan 2/20/07


JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

20 February 2007